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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

21 CR 201 (JMF)

5 RODNEY ROBINSON,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 November 9, 2021  
2:15 p.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13  
14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the  
17 Southern District of New York

BY: ASHLEY C. NICOLAS

17 Assistant United States Attorney

18 FEDERAL DEFENDERS OF NEW YORK

Attorneys for Defendant

19 BY: ANDREW J. DALACK

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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your name for  
3 the record.

4 MS. NICOLAS: Good afternoon, your Honor. AUSA Ashley  
5 Nicolas for the government.

6 THE COURT: Good afternoon.

7 MR. DALACK: Good afternoon, your Honor. Andrew  
8 Dalack from the Federal Defenders of New York standing in for  
9 Mr. Mark Gombiner on behalf of Rodney Robinson.

10 THE COURT: All right. Good afternoon to you as well  
11 and thank you for standing in. Let me start by apologizing to  
12 everybody for keeping you waiting. I had a court meeting and  
13 it unfortunately ran a little long and I couldn't walk out. So  
14 I apologize for that .

15 MR. DALACK: While we're apologizing, Mark wanted me  
16 to extend his apologies for not communicating his conflict with  
17 the court sooner.

18 THE COURT: All right. I appreciate that.

19 I love Mr. Gombiner, but it's a little bit of a  
20 pattern, so it gets a little tiring. Now, you can let him know  
21 that, but I appreciate the apology.

22 MR. DALACK: Yes, your Honor.

23 THE COURT: All right. With that, my understanding is  
24 that, Mr. Robinson, your intention is to change your plea and  
25 plead guilty to Counts One and Four of the indictment, is that

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1 correct?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you could, there should be a microphone  
4 on your side of the table. If you can pull it close to you,  
5 please. Make sure you speak directly into it. With the masks  
6 in particular, that just makes it a lot easier to hear you.

7 Before I accept your guilty plea, I need to ask you  
8 certain questions to establish that you are pleading guilty  
9 because you are, in fact, guilty and not for some other reason,  
10 to ensure that you understand the rights that you would be  
11 giving up by pleading guilty, and to ensure that you understand  
12 the potential consequences of a guilty plea.

13 If there are any questions you don't understand,  
14 please let me know. It is critical that you understand each  
15 question before you answer it. If at any point you would like  
16 to speak with Mr. Dalack for any reason, please let me know,  
17 I'll give you however much time you wish to speak with him.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Would you please rise so that my deputy  
21 Ms. Smallman can administer the oath to you.

22 (Defendant sworn)

23 You're now under oath, which means that if you answer  
24 any of my questions falsely, you may be subject to prosecution  
25 for the separate crime of perjury.

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1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: What is your full name?

4 THE DEFENDANT: Rodney Dwayne Robinson.

5 THE COURT: How old are you?

6 THE DEFENDANT: 55.

7 THE COURT: How far did go in school?

8 THE DEFENDANT: Um, near graduation, college.

9 THE COURT: Was that here in the United States or  
10 elsewhere?

11 THE DEFENDANT: Yes.

12 THE COURT: And have you ever been treated or  
13 hospitalized for any type of mental illness?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you now or have you recently been  
16 under the care of a doctor or a mental health professional?

17 THE DEFENDANT: No, sir.

18 THE COURT: Have you been treated or hospitalized for  
19 any type of addiction, including drug or alcohol addiction?

20 THE DEFENDANT: No. No, sir.

21 THE COURT: In the last 48 hours, have you taken any  
22 medicine, pills, drugs or had any alcohol?

23 THE DEFENDANT: No, sir.

24 THE COURT: Is your mind clear today?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: Do you understand what's happening here  
2 today?

3 THE DEFENDANT: Yes, sir, I do.

4 THE COURT: All right. Mr. Dalack, am I correct that  
5 you and/or Mr. Gombiner have spoken to Mr. Robinson about this  
6 matter?

7 MR. DALACK: Yes, your Honor. I have personally  
8 spoken with him. I've met with him last night in preparation  
9 for today.

10 THE COURT: All right. In your judgment, does he  
11 understand the rights that he would be giving up by pleading  
12 guilty?

13 MR. DALACK: Yes, your Honor.

14 THE COURT: In your judgment, is he capable of  
15 understanding the nature of these proceedings?

16 MR. DALACK: Yes.

17 THE COURT: Does either counsel have any doubt as to  
18 Mr. Robinson's competence to plead guilty at this time?

19 MS. NICOLAS: No, your Honor.

20 MR. DALACK: No, your Honor.

21 THE COURT: On the basis of Mr. Robinson's responses  
22 to my questions, my observations of his demeanor here in court,  
23 and the representations of counsel, I find that he is fully  
24 competent to enter an informed plea of guilty at this time.

25 Mr. Robinson, have you received a copy of the

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1 indictment 21 CR 201 containing the charges to which you intend  
2 to plead guilty?

3 THE DEFENDANT: Yes, sir, I have.

4 THE COURT: Have you read the indictment?

5 THE DEFENDANT: Yes, sir, I have.

6 THE COURT: Have you had enough time to talk to your  
7 lawyers about the charges to which you intend to plead guilty  
8 and any possible defenses to those charges?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Have they explained to you the  
11 consequences of entering a guilty plea?

12 THE DEFENDANT: Yes, he has.

13 THE COURT: And are you satisfied with your lawyer's  
14 representation of you?

15 THE DEFENDANT: I am.

16 THE COURT: All right. Now, let me explain to you  
17 certain rights that you would be giving up by pleading guilty.  
18 I want you to listen carefully, and if there is anything you  
19 don't understand, again, please let me know and I'll explain it  
20 to you more fully.

21 Under the Constitution and laws of the United States,  
22 you have the right to plead not guilty to the charges in the  
23 indictment.

24 Do you understand that?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: If you did plead not guilty, you would be  
2 entitled to a speedy and public trial by a jury on those  
3 charges.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Sorry. Can you say it again?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Great. Thank you.

9 At that trial, you would be presumed to be innocent  
10 and you would not have to prove that you were innocent.  
11 Instead, the government would be required to prove your guilt  
12 by competent evidence beyond a reasonable doubt before the jury  
13 could find you guilty.

14 Do you understand that?

15 MR. DALACK: One moment, your Honor.

16 THE COURT: There may be tissues on the table.

17 MR. DALACK: This is an empty box.

18 THE COURT: Let's try to fix that problem.

19 Give us a moment. We'll get some more.

20 MR. DALACK: Thanks.

21 THE DEFENDANT: Thank you.

22 Yes, sir.

23 THE COURT: Just take your time. Tell me when you're  
24 ready to go, and then we'll proceed from there.

25 You all set?

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1 THE DEFENDANT: Yes.

2 THE COURT: OK. Just let me know if you need to take  
3 a break or pause.

4 As I was saying, in order to find you guilty, a jury  
5 of 12 people would have to agree unanimously that you were  
6 guilty.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: At that trial and at every stage of your  
10 case, you would be entitled to be represented by a lawyer, and  
11 if you could not afford a lawyer, one would be appointed at  
12 public expense free of cost to represent you.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: During a trial, the witnesses for the  
16 government would have to come to court and testify in your  
17 presence and your lawyer would have an opportunity to  
18 cross-examine those witnesses and object to any evidence  
19 offered against you. You would also have an opportunity to  
20 introduce evidence on your own behalf, and you would have the  
21 right to have subpoenas issued or other process used to compel  
22 witnesses to come to court and testify on your behalf.

23 Do you understand all that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: At a trial you would also have the right



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1 to testify if you chose to do so, but you would have the right  
2 not to testify as well. And if you chose not to testify, then  
3 no one, including the jury, could draw any inference or  
4 suggestion of guilt from the fact that you did not testify.

5 Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Before trial you would have an  
8 opportunity, if you have not waived it, to seek the exclusion  
9 or suppression of any evidence that the government would use  
10 against you at a trial.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If you were convicted at a trial, you  
14 would have the right to appeal that verdict and any pretrial  
15 rulings I made in your case.

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: If you plead guilty, you will also have to  
19 give up your right not to incriminate yourself because I may  
20 ask you questions about what you did in order to satisfy myself  
21 that you are guilty as charged, and you would have to admit and  
22 acknowledge your guilt.

23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: If you plead guilty and if I accept your

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1 guilty plea, you will give up your right to a trial and the  
2 other rights that we have discussed other than your right to a  
3 lawyer, which you keep whether or not you plead guilty. But  
4 there will be no trial, and I will enter a judgment of guilty  
5 and sentence you on the basis of your plea after I have  
6 received a presentence report prepared by the United States  
7 Probation Department and any submissions that I get from the  
8 lawyers. There will be no appeal with respect to whether you  
9 did or did not commit the offenses to which you're pleading  
10 guilty or with respect to whether the government could use the  
11 evidence that it has against you.

12 Do you understand all that?

13 THE DEFENDANT: Yes, sir, I do.

14 THE COURT: Now, even now as you are entering this  
15 plea, you have a right to change your mind and plead not guilty  
16 and go to trial on the charges in the indictment.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand each and every one of  
20 the rights I have just explained to you?

21 THE DEFENDANT: Yes, sir, I do.

22 THE COURT: And are you willing to give up your right  
23 to a trial and the other rights that we have discussed?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that you are charged in

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1 Count One of the indictment with forgery and false use of a  
2 passport, in violation of Title 18, United States Code,  
3 Sections 1543 and 2, and in Count Four, with aggravated  
4 identity theft in violation of 18 U.S. Code, Sections  
5 1028(A)(a)(1) and subsection (B), as well as Section 2?

6 Do you understand that those are the charges?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Ms. Nicolas, would you please  
9 state the elements each of those offenses?

10 MS. NICOLAS: Yes, your Honor.

11 Count One, which is Title 18, United States Code,  
12 1543, charges the defendant with forgery and false use of a  
13 passport, which has two elements.

14 First, that the defendant falsely made, forged,  
15 counterfeited, mutilated, or altered a passport or instrument  
16 purporting to be a passport;

17 Second, that he did so with the intent that the  
18 document be used.

19 Count Four of the indictment charges the defendant  
20 with aggravated identity theft, which has four elements.

21 First, that the defendant knowingly transferred,  
22 possessed or used;

23 Second, without lawful authority;

24 Third, the means of identification of another person;  
25 and

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1 Fourth, that that was done during and in relation to a  
2 felony enumerated in Section 1028(A)(c) or Section 2332  
3 (B)(g)(5)(B), in this case in particular, it's 1028(A)(c)(7).

4 THE COURT: All right. Do you understand,  
5 Mr. Robinson, if you were to go to trial, the government would  
6 have to prove each of those elements beyond a reasonable doubt  
7 before a jury could find you guilty?

8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And in addition, the jury would have to  
11 find but only by a preponderance of the evidence that venue was  
12 proper in this district, in essence, that something in  
13 connection with the crimes occurred in this district.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Let me tell you now about the  
17 maximum possible sentences that could apply to these crimes.  
18 By maximum, I mean the most that could possibly be imposed on  
19 you. And you have to understand that doesn't necessarily mean  
20 that it is the sentence you will receive, but you do have to  
21 understand that you could receive a combination of punishments  
22 up to the statutory maximum.

23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Let me tell you first about the possible

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1 restrictions on your liberty.

2           The maximum term of imprisonment for Count One is ten  
3 years in person, and for Count Two, Count Two is a mandatory  
4 two-year term of imprisonment. In each case, that could be  
5 followed by supervised release. In the case of Count One, a  
6 maximum of three years of supervised release. In the case of  
7 Count Four, one year of supervised release. I'm not sure if I  
8 said Count Four or Count Two before, but Count Four is what I  
9 was referring to as the second count.

10           Supervised release means that you would be subject to  
11 supervision by the probation department. There would be rules  
12 of supervised release that you would be required to follow, and  
13 if you violated any of those rules, you could be returned to  
14 prison to serve additional time without a jury trial and  
15 without credit for either your time underlying sentence or time  
16 spent on post-release supervision.

17           Do you understand all of that?

18           THE DEFENDANT: Yes, sir, I do.

19           THE COURT: You should understand that there is no  
20 parole in the federal system, which means that if you were  
21 sentenced to prison, you would not be released early on parole.  
22 There is a limited opportunity to earn credit for good  
23 behavior, but if you were sentenced to prison, you would have  
24 to serve at least 85 percent of the time to which you were  
25 sentenced.

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1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: In addition to these restrictions on your  
4 liberty, the maximum possible punishment also includes certain  
5 financial penalties. In the case of each count, I could impose  
6 a fine. The maximum allowable fine is the greatest of \$250,000  
7 or twice the gross pecuniary or financial gain derived from the  
8 offense or twice the gross pecuniary or financial loss derived  
9 from the offense.

10 Second, I could order restitution to any person or  
11 entity injured as a result of your criminal conduct.

12 Third, I could order you to forfeit any and all  
13 property derived from the offense or used to facilitate the  
14 offense.

15 And finally, I must order a mandatory special  
16 assessment of \$100 for each count.

17 Do you understand that those are the maximum possible  
18 penalties?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: In addition, you should understand --  
21 well, let me start by saying that, do you understand that  
22 taking the two counts together, the maximum possible term of  
23 imprisonment that you could conceivably be sentenced to prison  
24 for is up to 12 years?

25 Do you understand that?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Do you understand that Count  
3 Four also carries a mandatory minimum term of imprisonment,  
4 namely two years, which must be imposed to run consecutive to  
5 any term of imprisonment that you receive in connection with  
6 Count One? That is, absent a motion by the government, I would  
7 have no choice but to sentence you to at least two years'  
8 imprisonment to run consecutive to any other sentence on Count  
9 Four.

10 Do you understand that?

11 THE DEFENDANT: Yes, sir, I do.

12 THE COURT: Are you a citizen of the United States,  
13 Mr. Robinson?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that if you were not a  
16 citizen of the United States, do you understand that as a  
17 result of your guilty plea, there may be adverse effects on  
18 your immigration status? That is, you could be detained by  
19 immigration authorities following the completion of your  
20 criminal sentence, you could be removed from the United States,  
21 you could be denied citizenship to the United States, or you  
22 could be denied admission into the United States in the future.

23 Do you understand that if you were not a citizen, that  
24 those are among the potential consequences of a guilty plea?

25 THE DEFENDANT: Yes, sir, I do.

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1 THE COURT: All right. Mr. Dalack, I guess I was a  
2 little surprised, given the nature of the charge here, that the  
3 answer to that question was yes.

4 Mr. Robinson is a citizen of the United States?

5 MR. DALACK: He is a citizen, your Honor, yes.

6 THE COURT: All right. Mr. Robinson, were you a  
7 naturalized citizen or natural born citizen.

8 THE DEFENDANT: Natural born citizen, sir.

9 THE COURT: OK. Do you understand that as a result of  
10 your guilty plea, you may lose certain valuable civil rights,  
11 to the extent that you have them or could otherwise obtain them  
12 now, such as the right to vote, right to hold public office,  
13 right to serve on a jury, and the right to possess any kind of  
14 firearm?

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Are you serving any other sentence, either  
18 state or federal, or being prosecuted in any other court at  
19 this time?

20 THE DEFENDANT: No, sir.

21 THE COURT: Do you understand that if your lawyer or  
22 anyone else has attempted to predict what your sentence will  
23 be, that their predictions could be wrong?

24 Do you understand that?

25 THE DEFENDANT: Yes, sir, I do.



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1           THE COURT: It's important for you to understand that  
2 no one, not your lawyer, not the lawyer for the government, not  
3 probation department, no one could give you any assurance or  
4 promise of what your sentence will be in this case, and that's  
5 because your sentence will be determined by me and by me alone,  
6 and I'm not going to do that today. Instead, I will wait until  
7 I receive the presentence report prepared by the United States  
8 Probation Department. I will do my own calculation of how the  
9 sentencing guidelines apply to your case. I'll consider any  
10 possible departures from the guidelines range. I will consider  
11 any submissions I get from the lawyers. And ultimately, I will  
12 consider the factors that are relevant to sentencing under  
13 Title 18, United States Code, Section 3553(a). I'll do all of  
14 that before determining and imposing an appropriate sentence.

15           Do you understand that?

16           THE DEFENDANT: Yes, sir.

17           THE COURT: And have you discussed that process, the  
18 sentencing process with your lawyers?

19           THE DEFENDANT: Yes, sir.

20           THE COURT: Now, even if your sentence is different  
21 from what your lawyers or anyone else has told you that it  
22 might be, even if it is different from what you hope or expect  
23 it to be, even if it is different from what may be in the plea  
24 agreement we will discuss in one moment, you will still be  
25 bound by your guilty plea and you will not be allowed to

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1 withdraw your plea.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I understand there is a written plea  
5 agreement that you and your lawyers have entered into with the  
6 lawyers for the government, is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, I have an original letter plea  
9 agreement here dated September 13, 2021, from Ms. Nicolas to  
10 Mr. Gombiner. I'll mark this as Court Exhibit 1 and provide it  
11 to the government to retain into its possession after this  
12 proceeding.

13 Looking at the last page, you appear to have signed  
14 this dated today, November 9. Is that your signature there on  
15 the last page, Mr. Robinson?

16 THE DEFENDANT: Yes, sir, it is.

17 THE COURT: Before you signed the plea agreement, did  
18 you read it?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Before you signed it, did you discuss it  
21 with your lawyers?

22 THE DEFENDANT: Yes.

23 THE COURT: Before you signed it, did they explain it  
24 to you and answer any questions you may have had about the plea  
25 agreement?

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1 THE DEFENDANT: Yes, sir, they did.

2 THE COURT: And before you signed the plea agreement,  
3 did you fully understand it?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, one of the features of your agreement  
6 with the government is that you and the government have agreed  
7 upon how the United States Sentencing Guidelines apply to your  
8 case.

9 Do you understand, is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that, or you should  
12 understand that that agreement is binding on you and it is  
13 binding on the government, but it is not binding on me. That  
14 is to say, I have my own independent obligation to determine  
15 the correct guidelines range. I am not suggesting to you that  
16 I come up with a different calculation, but I could. And even  
17 if the calculation that I arrived at was greater than the one  
18 you agreed to, you would still be bound by your guilty plea and  
19 you would not be allowed to withdraw your plea.

20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: In addition, in the plea agreement you  
23 agreed to and do admit to the forfeiture allegation with  
24 respect to Count One of the indictment, is that correct?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: And do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Now, another provision of this  
4 agreement that I want to bring to your attention is that you  
5 agree to waive or give up any right to challenge on appeal or  
6 otherwise a sentence if it is within or below the stipulated  
7 sentencing guidelines range of 30 to 36 months' imprisonment.  
8 That means that if I were to sentence you to 36 months in  
9 person or anything less than 36 months in prison, you would  
10 have no right to appeal or otherwise challenge that sentence.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir, I do.

13 THE COURT: Does this written agreement constitute  
14 your complete and total understanding of the entire agreement  
15 between you and the government?

16 THE DEFENDANT: Yes, sir, it does.

17 THE COURT: Has anything been left out of the written  
18 plea agreement?

19 THE DEFENDANT: That's for me -- no.

20 THE COURT: Has anything been left out of the written  
21 plea agreement?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right. Other than what is written in  
24 the agreement, has anyone made any promise to you or offered  
25 you anything to either plead guilty or sign the agreement?

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1 THE DEFENDANT: No, sir.

2 THE COURT: Has anyone forced you to or threatened you  
3 to plead guilty or to sign the plea agreement?

4 THE DEFENDANT: No. No, sir.

5 THE COURT: Has anyone made a promise to what your  
6 sentence will be in this matter?

7 THE DEFENDANT: No, sir.

8 THE COURT: All right. Mr. Robinson, I would like you  
9 now to tell me in your own words what you did that makes you  
10 believe that you are guilty of the crimes charged in Counts One  
11 and Four of the indictment.

12 I'll just ask you to speak slowly and clearly into the  
13 microphone to make sure we can hear everything you say.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Go ahead.

16 THE DEFENDANT: I alter the personal identifying  
17 information on a United States Passport and used it to gain  
18 employment in the Southern District of New York. The  
19 information that I used belonged to another person. I know  
20 what I did was wrong, and I'm very sorry.

21 THE COURT: All right. Now, and when did that take  
22 place?

23 THE DEFENDANT: Um, January 2017.

24 THE COURT: And when you say in the Southern District  
25 of New York, can you specify, was that in Manhattan or the

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1 Bronx?

2 THE DEFENDANT: Manhattan. Brooklyn, Manhattan, yes,  
3 sir.

4 THE COURT: All right. And when you say another  
5 person, was that other person a real person whose identity you  
6 used?

7 THE DEFENDANT: Yes.

8 THE COURT: When you did that, did you understand and  
9 know that you were not authorized to use that person's  
10 identity?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you understand and know that what you  
13 were doing was wrong and in violation of the law?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And did you purposely, that is  
16 intentionally and willfully, forge or alter the passport with  
17 that person's identity?

18 THE DEFENDANT: Yes. Yes, sir.

19 THE COURT: All right. Mr. Dalack, are you aware of  
20 any valid defense that would prevail at a trial or know of any  
21 reason that Mr. Robinson should not be permitted to plead  
22 guilty?

23 MR. DALACK: No, your Honor.

24 THE COURT: Ms. Nicolas, are there any additional  
25 questions you would like me to ask Mr. Robinson?

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1 MS. NICOLAS: No, your Honor.

2 THE COURT: Would you please summarize briefly what  
3 the government's evidence would be if Mr. Robinson were to go  
4 to trial and what that evidence would show?

5 MS. NICOLAS: Yes, your Honor.

6 The government would present documents submitted to  
7 the defendant's former employers, including the document that  
8 purported to be the passport, as well as I-9s and W-4s that  
9 included stolen Social Securities and identification  
10 information. We would also submit the other documents that  
11 were not government documents given to the employers, including  
12 payroll information and the actual job applications themselves.  
13 The government would also offer the testimony of those former  
14 employers. The government would offer bank records as well as  
15 business registration documents that were used by the defendant  
16 in the course of his falsified identity, as well as documents  
17 seized during a search warrant executed at the defendant's home  
18 and the photos taken during that search warrant. The  
19 government would also offer state department records that  
20 include the passport records for the identity theft victim, as  
21 well as Social Security Administration records that include  
22 records related to the identity theft victim. The government  
23 would also call state department witnesses who would testify as  
24 to the passport application and issuance process.

25 THE COURT: Thank you.

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1 Do both counsel agree that there is a sufficient  
2 factual basis for a guilty plea to Counts One and Four?

3 MS. NICOLAS: Yes, your Honor.

4 MR. DALACK: Yes, Judge.

5 THE COURT: And, Mr. Dalack, just to confirm, is there  
6 any dispute that Count One qualifies as a predicate offense for  
7 purposes of Count Four?

8 MR. DALACK: I'm sorry. Say it again, your Honor.

9 THE COURT: Is there any dispute that Count One  
10 qualifies as a predicate offense for purposes of Count Four?

11 MR. DALACK: No, your Honor. No dispute.

12 THE COURT: All right. Does either counsel know of  
13 any reason that I should not accept Mr. Robinson's plea of  
14 guilty?

15 MS. NICOLAS: No, your Honor.

16 MR. DALACK: No, your Honor.

17 THE COURT: Mr. Robinson, because you acknowledge that  
18 you are, in fact, guilty as charged in the indictment, because  
19 I am satisfied that you know of your rights, including your  
20 right to go to trial, and that you are aware of the  
21 consequences of your guilty plea, including the sentence that  
22 could be imposed upon you, and because I find that you are  
23 knowingly and voluntarily pleading guilty, I accept your guilty  
24 plea and enter a judgment of guilty on Counts One and Four.

25 The probation department will want to interview you in



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1 connection with the presentence report that it will prepare.  
2 If you choose to speak with the probation department, I would  
3 urge you to ensure that anything you say is truthful and  
4 accurate. Among other things, that report is important to me  
5 in deciding what sentence to impose upon you. And before  
6 sentencing, you and your lawyers will have an opportunity to  
7 review the report. I would urge you to review it with care,  
8 and if you find any mistakes in the report or anything that you  
9 wish to bring to my attention in connection with sentencing,  
10 that you share that with your lawyers so that they can share it  
11 with me in turn.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Dalack, do you or Mr. Gombiner wish to  
15 be present in connection with any interview?

16 MR. DALACK: Yes, your Honor.

17 THE COURT: I'll order that no interview take place  
18 unless counsel is present.

19 I'll set sentencing for February 17, 2022, at 3:15 in  
20 the afternoon.

21 I direct --

22 MR. DALACK: I'm sorry, your Honor. February 17?

23 THE COURT: February 17, yes, at 3:15 p.m.

24 I direct the government to provide the probation  
25 department with its factual statement of the offense within

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1 seven days. Defense counsel must arrange for Mr. Robinson to  
2 be interviewed by probation department within the next two  
3 weeks.

4 In accordance with my individual rules and practices,  
5 defense submissions with respect to sentencing are due two  
6 weeks prior to sentencing, and the government's submission is  
7 due one week prior to sentencing.

8 Ms. Nicolas, any objection to the current bail  
9 conditions being continued --

10 MS. NICOLAS: No.

11 THE COURT: -- through the date of sentencing?

12 All right. Mr. Robinson, let me stress two things to  
13 you, therefore. Number one, I will continue your release  
14 status. That is to say, the conditions on which you've been  
15 released to date will continue through the date of your  
16 sentencing. It is critical that you abide by all of those  
17 conditions, and if you violate the terms of your release,  
18 number one, it could have an effect on your release status  
19 pending sentencing. Number two, it could very well have a big  
20 effect on the sentence that you receive at the time of  
21 sentencing. So that's very important.

22 Second, you must be here on the date and time that I  
23 set. And, again, February 17, 2022, at 3:15 in the afternoon.  
24 You should stay in touch with your lawyers to ensure that if  
25 the time or location changes, that you know where and when you

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1 need to be. If you are not here on the date and time ordered,  
2 then you may be subject to punishment above and beyond whatever  
3 punishment you receive in connection with your plea today.

4 Do you understand all of that?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: All right. Ms. Nicolas, anything else?

7 MS. NICOLAS: Nothing further, your Honor.

8 THE COURT: Mr. Dalack?

9 MR. DALACK: Nor from the defense, your Honor.

10 Just wanted make sure I didn't miss anything with  
11 respect to the court's colloquy about his citizenship status.  
12 I didn't appreciate the issue that was at hand with respect to  
13 his answers. I wanted to make sure the court doesn't have any  
14 lingering concerns.

15 THE COURT: I think he indicated he was a natural born  
16 U.S. citizen, correct?

17 MR. DALACK: Correct.

18 THE COURT: I think I now have a better sense of  
19 things, although I expect to be further educated in the  
20 sentencing submissions. But needless to say, most of the  
21 people who plead to the crime that Mr. Robinson pleaded to are  
22 not U.S. citizens.

23 MR. DALACK: Understood.

24 THE COURT: And I thought if there was any securing of  
25 U.S. citizenship based on false pretenses, he might need to be

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1 specifically warned about the possibility that it could be  
2 revoked.

3 MR. DALACK: Understood.

4 THE COURT: But that doesn't seem applicable here.

5 MR. DALACK: Yes.

6 THE COURT: That was where I was coming from.

7 MR. DALACK: OK. Thank you.

8 THE COURT: All right. Thank you, Mr. Dalack, for  
9 stepping in, standing in on Mr. Gombiner's behalf.

10 MR. DALACK: Absolutely.

11 THE COURT: Everyone have a pleasant afternoon.

12 We're adjourned.

13 MR. DALACK: Thank you, Judge.

14 (Adjourned)